



# भारत का राजपत्र

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EXTRAORDINARY

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PART II—Section 1

प्राधिकार से प्रकाशित

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No. 56] NEW DELHI, SATURDAY, AUGUST 31, 1968/BHADRA 9, 1890

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह प्राप्ति संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 31st August, 1968/Bhadra 9, 1890 (Saka)

The following President's Act is published for general information:—

THE BIHAR UNIVERSITY (AMENDMENT) ACT, 1968

NO. 24 OF 1968

Enacted by the President in the Nineteenth Year of the  
Republic of India

An Act to amend the Bihar State Universities (University of  
Bihar, Bhagalpur and Ranchi) Act, 1960 and the  
Magadh University Act, 1961.

In exercise of the powers conferred by section 3 of the Bihar State  
39 of 1968. Legislature (Delegation of Powers) Act, 1968, the President is pleased  
to enact as follows:—

1. This Act may be called the Bihar Universities (Amendment) Short title.  
Act, 1968.

Insertion  
of new  
section  
48B in  
Bihar Act  
XIV of  
1960.

Power of  
colleges  
establis-  
hed and  
adminis-  
tered  
by mino-  
rities to  
make ap-  
point-  
ments,  
etc., of  
teachers.

Amend-  
ment of  
section 45  
of Bihar  
Act IV of  
1962.

Repeal  
and  
saving

**2.** After section 48A of the Bihar State Universities (University of Bihar, Bhagalpur and Ranchi) Act, 1960, the following section shall be inserted, namely.

"48B. Notwithstanding anything contained in sub-sections (6), (7), (8), (9), (10) and (11) of section 48A, the governing body of an affiliated college established by a minority based on religion or language may, with the approval of the University Service Commission and the Syndicate of the University,—

- (i) appoint, dismiss or remove teachers, or
- (ii) terminate the services of teachers or reduce them in rank or take other disciplinary measures against them.”.

**3.** To section 45 of the Magadh University Act, 1961, the following proviso shall be added, namely:—

"Provided that the governing body of an affiliated college established by a minority based on religion or language may, with the approval of the University Service Commission and the Syndicate of the University,—

- (i) appoint, dismiss or remove teachers, or
- (ii) terminate the services of teachers or reduce them in rank or take other disciplinary measures against them.”.

**4.** (1) The Bihar State Universities (University of Bihar, Bhagalpur and Ranchi) and the Magadh University (Amendment) Ordinance, 1968, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Bihar State Universities (University of Bihar, Bhagalpur and Ranchi) Act, 1960 or the Magadh University Act, 1961, as amended by the said Ordinance, shall be deemed to have been done or taken under either of the said Acts, as amended by this Act, as if this Act had commenced on the 16th day of July, 1968.

Bihar  
Ordi-  
nance XV  
of 1968.

Bihar Act  
XIV of  
1960.

Bihar Act  
IV of  
1962.

ZAKIR HUSAIN,  
*President*

V. N. BHATIA,  
*Secy. to the Govt. of India*

### REASONS FOR THE ENACTMENT

Section 48A of the Bihar State Universities (University of Bihar, Bhagalpur and Ranchi) Act, 1960, and section 45 of the Magadh University, 1961, provide that appointments, dismissals, etc., of teachers in the affiliated colleges shall be made or effected on the recommendation of the University Service Commission.

2. On the 1st March, 1962, the Governor of Bihar issued an Ordinance (Ordinance No. I of 1962, later converted as Bihar Act XIII of 1962) providing that all appointments of teachers made in the affiliated colleges after the 27th November, 1961 and before the 1st March, 1962 shall be subject to the orders of the Chancellor passed on the recommendations of the University Service Commission. In pursuance of this Ordinance, all affiliated colleges in Bihar, including the St. Xavier's College, Ranchi were requested to give details of the appointments, dismissals, etc., of teachers in their colleges during the period mentioned in the Ordinance. The Principal, St. Xavier's College took a stand that section 48A of the Act did not apply to his college because it was an institution run by religious minorities who have been guaranteed fundamental rights in the Constitution, of starting, maintaining and administering their own educational institutions. For the refusal on the part of the St. Xavier's College to furnish the details of appointments, dismissals, etc., during the said period, the Ranchi University decided to dis-affiliate the said college from the academic session 1969-70. Aggrieved by this decision the college authorities filed a writ petition before the Supreme Court of India. The Supreme Court held that section 48A of the Act affected the fundamental rights of religious minorities' institutions as contemplated under articles 29 and 30 of the Constitution, and directed the State Government to bring some amendment in section 48A of the Act to protect such fundamental rights of the minorities' institutions.

3. In pursuance of the direction of the Supreme Court, the Governor of Bihar promulgated the Bihar State Universities (University of Bihar, Bhagalpur and Ranchi) and the Magadh University (Amendment) Ordinance, 1968 (Bihar Ordinance XV of 1968) on the 16th July, 1968, to amend the Bihar State Universities (University of Bihar, Bhagalpur and Ranchi) Act, 1960 and the Magadh University Act, 1961.

4. The proposed measure seeks to replace the Ordinance, referred to in paragraph 3:

5. As it is not practicable to refer the present legislation to the Consultative Committee of Parliament on Bihar legislation, it has been decided, in view of the urgency of the matter, to enact the present legislation without such reference.

G. K. CHANDIRAMANI,  
*Secy. to the Govt. of India,*  
*Ministry of Education.*